

# CLERMONT COUNTY SUBDIVISION REGULATIONS

## RECOMMENDED MINOR REVISIONS

Subdivision Committee Recommendation July 6, 2006

Planning Commission Recommendation August 22, 2006

Joint Session with Committee & PC September 13, 2006

### ARTICLE I

#### Article I, Section 102.G:

Original Text

- G. To cause the cost of design and the installation of improvements in newly platted subdivisions to be borne by the developer or applicant rather than by any direct or indirect burden upon existing property owners beyond the limits of the subdivision for the improvements servicing their property

Proposed Revision(s)

- ~~G. To require the developer of the project site to bear all costs associated with necessary infrastructure systems, site grading activities, stormwater management systems, and all other costs directly associated with the proposed development, as required by these regulations, or as permitted by any other rules and regulations in force at the time of application. To cause the cost of design and the installation of improvements in newly platted subdivisions to be borne by the developer or applicant rather than by any direct or indirect burden upon existing property owners beyond the limits of the subdivision for the improvements servicing their property~~

Proposal  
rejected at  
08.22.06  
Planning  
Commission  
Meeting

#### Reason for Revision:

~~This recommended revision is meant to clarify that only those improvements directly related to any proposed development shall be required throughout the course of the review process by either the Planning Commission or its designated representative. Currently, this provision could allow for unreasonable conditions placed upon the developer which would arbitrarily require improvements not directly related to impacts (real or potential) resulting from the development.~~

#### Article I, Section 102.L:

No Original Text

Proposed Revision(s)

*Proposed Text Addition (involves adding a new subsection "L" for clarity and to eliminate potential confusion with regard to regulatory intent, enforcement and implementation:*

- L. ~~To avoid burdening adjoining property owners by requiring~~ To require all necessary infrastructure to be designed and installed in strict compliance with all applicable state, federal, and local regulations in force at the time of subdivision application, or as otherwise required by law.**

**Reason for Revision:**

~~This recommended revision is meant to clarify that only those improvements directly related to any proposed development shall be required throughout the course of the review process by either the Planning Commission or its designated representative. Currently, this provision could allow for unreasonable conditions placed upon the developer which would arbitrarily require improvements not directly related to impacts (real or potential) resulting from the development.~~ This recommended revision is meant to clarify that additional regulations for improvements related to any proposed development, aside from the Clermont County Subdivision Regulations may apply. Those applicable regulations shall be enforced by the regulating authority and the rules and regulations effective at the time of a subdivision application shall be the regulations applied to the proposed development.

**Article I, Section 104:**

Original Text

**SECTION 104 ADMINISTRATION**

These regulations shall be administrated by the Clermont County Planning Commission.

Proposed Revision(s)

**SECTION 104 ADMINISTRATION**

These regulations shall be ~~enacted administrated by the Clermont County Planning Commission and~~ **administered by the Commission and/or its designated representative.**

**Reason for Revision:**

Revisions will add clarity and are more accurate with regard to administration of the regulations. Intent of the regulation will remain unchanged.

**ARTICLE III**

**Article III, Section 305:**

Original Text

**SECTION 305 CONCEPT PLAN REVIEW**

The applicant shall provide copies of the Concept Plan and all supplemental information as required by Article IV to such officials and agencies as may be necessary for the purpose of study and recommendation. Such officials and agencies shall include:

- A. Township Trustees and Township Agencies of the jurisdiction where the plan is proposed
- B. County Engineer
- C. County Water and Sewer District
- D. County Building Inspector
- E. County General Health District

- F. Natural Resource Conservation Service/Clermont Soil and Water Conservation District
- G. Ohio Department of Transportation when required by 5511.01 of the Ohio Revised Code

Proposed Revision(s)

*Add item “H” to the required reviewing agencies for the Concept Plan Review, as follows:*

**SECTION 305 CONCEPT PLAN REVIEW**

The applicant shall provide copies of the Concept Plan and all supplemental information as required by Article IV to such officials and agencies as may be necessary for the purpose of study and recommendation. Such officials and agencies shall include:

- A. Township Trustees and Township Agencies of the jurisdiction where the plan is proposed
- B. County Engineer
- C. County Water and Sewer District
- D. County Building Inspector
- E. County General Health District
- F. Natural Resource Conservation Service/Clermont Soil and Water Conservation District
- G. Ohio Department of Transportation when required by 5511.01 of the Ohio Revised Code
- H. **Department of Community Planning & Development**  
**(Information Purposes Only)**

**Reason for Revision:**

*Insert the Planning Department into the Concept Plan Review Process in order to ensure comprehensive review. Currently, the Planning Review is optional – it seems reasonable to require planning comments to be addressed within the Concept Plan to eliminate potential problems with future reviews.*

**ARTICLE IV**

**Article IV, Section 404:**

Original Text

**SECTION 404 REQUIREMENTS**

The documents to be submitted are shown in the Required Submission Documents Table on the following pages. In specific cases and to documented reasons, the Planning Commission may waive the submission of a particular document. The

reasons for the waiver shall be indicated in the meeting minutes of the Planning Commission.

Proposed Revision(s)

1. Remove item “8” from the required items to be shown on the plans for the Concept Plan Review, as follows:
2. **Remove item “9” from the required items to be shown on the plans for the Design Plan Review, as follows:**

*Refer to charts on the following pages*

Reason for Revision:

~~Many Engineers have voiced concern over signing and sealing a Concept Plan because it is only conceptual. True and accurate surveys and detailed plans are not necessary in this phase of a subdivision review.~~

**Many Engineers have voiced concern over signing and sealing a Concept Plan because it is only conceptual. The requirement for signing and sealing a Design Plan is also being eliminated because many changes may occur in relation to the exact size and location of infrastructure improvements. True and accurate surveys and detailed plans are not necessary until the Construction Drawings are reviewed.**

Proposed  
Amendment  
added based  
on 08.22.06  
Planning  
Commission  
Discussions

**ARTICLE IV: REQUIRED SUBMISSION DOCUMENTS TABLE**  
**CONCEPT PLAN REVIEW**

#	REQUIRED ITEM DESCRIPTION	HAVE	NEED
1	Proposed name of the subdivision per Article III, Section 302 of these regulations		
2	Vicinity Map showing subdivision location		
3	Location by military survey or other survey		
4	Location by Township		
5	Scale of the plan, North point		
6	Names, addresses, and phone numbers of owner and applicant		
7	Name, addresses, and phone numbers of professional engineer and registered surveyor who prepared the plan		
<del>8</del>	<del>Appropriate registration number and seals, including one (1) set of plans with an original stamp and signature</del>		
<del>9</del> <u>8</u>	Boundaries of the subdivision		
<del>10</del> <u>9</u>	The boundary of the property and the rights-of-way of existing roads shall be shown on the plan		
<del>11</del> <u>10</u>	The boundary of the property and the existing buildings shall be shown on the plan		
<del>12</del> <u>11</u>	Preliminary Inventory and Analysis of Site and any adjacent properties: To the extent that they relate to the site, such inventory and preliminary analysis shall address topography, waterways, wetlands and drainage, historic features, adjacent and on-site land uses and zoning, including any overlay district affecting the site; utilities and related easements and any other easements of record; roadways and traffic circulation; and other information critical to the capability of the site to accommodate development		
<del>13</del> <u>12</u>	The proposed lot and street configuration as it relates to the boundaries of the property to be subdivided, and all existing roadways		
<del>14</del> <u>13</u>	Existing topography shall be shown on the plan at five (5) foot intervals; woods, streams, wetlands, and all other natural features shall be shown on the plan		
<del>15</del> <u>14</u>	The location of all proposed retention and/or detention basins shall be shown on the plan		
<del>16</del> <u>15</u>	The location of all proposed temporary sediment basins shall be shown on the plan		
<del>17</del> <u>16</u>	The location of any proposed construction entrance shall be shown on the plan		
<del>18</del> <u>17</u>	A statement indicating the proposed method of wastewater disposal		
<del>19</del> <u>18</u>	Verification that the proposed entrances meet all applicable Sight Distance requirements as established by the Clermont County Engineer and/or the Ohio Department of Transportation		
<del>20</del> <u>19</u>	The proposed means of access from the public right-of-way to each individual tract of land where a building site is created without trespass upon adjoining properties		
<del>21</del> <u>20</u>	The location of all bridges, culverts, and culvert pipe installations required to provide access to a building site		
<del>22</del> <u>21</u>	The current zoning districts of the property to be subdivided, as obtained from the Zoning Administrator of the applicable Township		

**ARTICLE IV: REQUIRED SUBMISSION DOCUMENTS TABLE**  
**DESIGN PLAN REVIEW**

#	REQUIRED ITEM DESCRIPTION	HAVE	NEED
1	Written documentation of approval of Concept Plan from ALL reviewing agencies		
2	Vicinity Map showing subdivision location		
3	Proposed name of subdivision per Article III, Section 302 of these regulations		
4	Scale of the Plan, North Point		
5	Location by military survey or other survey		
6	Location by Township		
7	Names, addresses, and phone numbers of owner and applicant		
8	Name, addresses, and phone numbers of professional engineer and registered surveyor who prepared the plan		
<del>9</del>	<del>Appropriate registration number and seals, including one (1) set of plans with an original stamp and signature</del>		
<del>10</del> <u>9</u>	Boundaries of the subdivision		
<del>11</del> <u>10</u>	Total Acreage of the entire tract, total acreage of land in lots, total acreage of land contained in streets, total acreage of open space, park land, etc		
<del>12</del> <u>11</u>	Names of adjacent subdivisions, owners of adjoining parcels of undivided land and the location of boundary lines		
<del>13</del> <u>12</u>	Locations, dimensions, and names of existing streets, railroad right-of-ways, easements, parks, permanent buildings, and corporations, Township and County lines		
<del>14</del> <u>13</u>	Zoning classification of the tract and adjoining properties and a description of the proposed zoning changes if any		
<del>15</del> <u>14</u>	Existing contours at two (2) foot intervals on land classified as "level" in the Clermont County Soil Survey, and not greater than five (5) foot intervals for all other lands		
<del>16</del> <u>15</u>	Locations and dimensions of existing sewers, water lines, culverts, and other underground structures, and power transmission poles and lines within and adjacent to the tract		
<del>17</del> <u>16</u>	Location of proposed streets, easements, common parking areas, alleys, pedestrian walks and points of circulation, ingress, and egress		
<del>18</del> <u>17</u>	Names and widths of proposed streets and easements		
<del>19</del> <u>18</u>	Verification that the proposed entrances meet all applicable Sight Distance requirements as established by the Clermont County Engineer and/or the Ohio Department of Transportation		
<del>20</del> <u>19</u>	Typical cross section of roads, from right-of-way line to right-of-way line. The typical section shall show the location of all utility lines and storm sewers. Pavement design shown shall be on the designs shown in the <i>Subdivision Street Design and Construction Standards for Clermont County</i> .		
<del>21</del> <u>20</u>	Building setback lines and dimensions		
<del>22</del> <u>21</u>	Layout, numbers, and approximate dimensions of each lot, including area of individual lots in both acres and in square feet		

**ARTICLE IV: REQUIRED SUBMISSION DOCUMENTS TABLE**  
**DESIGN PLAN REVIEW**

<del>23</del> <u>22</u>	Location and dimensions of proposed utility and sewer lines, showing their connections to existing systems		
<del>24</del> <u>23</u>	Parcels of land in acres to be reserved for public use or to be reserved by covenant for residents of the subdivision		
<del>25</del> <u>24</u>	The location and extent of all soils within the proposed project area as qualified project site showing the drainage area of the project		
<del>26</del> <u>25</u>	Drainage area of the project		
<del>27</del> <u>26</u>	The location and extent of Flood Zones as defined in Section 503.A.3 of this resolution, showing flood way areas		
<del>28</del> <u>27</u>	The location of wooded areas, topographic, and natural features that are within and adjacent to the proposed project areas		
<del>29</del> <u>28</u>	Locations and dimensions of Rights-of-Way to be dedicated within the proposed subdivision and along any adjacent roadways		
<del>30</del> <u>29</u>	Date referencing when plans were printed		
<del>34</del> <u>30</u>	If the subdivision is to be submitted in sections, blocks or phases, these proposed divisions shall be indicated on the plan		
<del>32</del> <u>31</u>	A statement indicating the proposed method of wastewater disposal		
<del>33</del> <u>32</u>	Traffic Impact Study (Highly Recommended)		

## **ARTICLE V**

### **Article V, Section 504.B (8):**

#### *Original Text*

8. Names of new streets shall not duplicate or nearly duplicate the names of existing streets of record or streets for which design plans have been approved. New streets which are extensions of or in alignment with existing streets shall bear the name of the existing street.

#### *Proposed Revision(s)*

8. Names of new streets shall not duplicate or nearly duplicate the names of existing streets of record or streets for which design plans have been approved. New streets which are extensions of or in alignment with existing streets shall bear the name of the existing street. ~~as deemed appropriate by the County Engineer.~~ **Whenever a dispute arises over the naming of streets or the continuation of an existing street name, the County Engineer shall recommend an appropriate street name to the Board of County Commissioners and the decision of the ~~County Engineer~~ Board of County Commissioners shall be final.**

#### **Reason for Revision:**

*The proposed revisions will add clarity as to who makes the final determination of street names and is in . The County Engineer ~~is recommended here to make the final determination~~ **will make a recommendation** because their office maintains the official street name database for the entire County. Moreover, the County Engineer's Office can determine which major collectors, arterials, etc, will continue and which will terminate at their present location. In the event that a dispute arises over the continuation of an existing street name from an intersection, the ~~County Engineer's Office~~ **Board of County Commissioners** will be responsible to make the final determination.*

### **Article V, Section 520 (New Section):**

#### *Proposed Revision(s)*

*Recommend adding a new Section 520 and renumbering subsequent sections to allow for regulations specifically addressing "Stormwater Management," thereby clarifying what rules and regulations are in place for proposed residential developments, as follows:*

## **SECTION 520    STORMWATER MANAGEMENT**

- A. **Provisions for the collection, detention & retention, and discharge of stormwater from any proposed subdivision shall comply with the Water Management and Sediment Control Regulations for Clermont County, Ohio, the Subdivision Street Design and Construction Standards for Clermont County, Ohio, and all other applicable state, federal, and/or local rules and regulations.**
- B. **Stormwater retention / detention basins in all new developments shall be required to apply and obtain a ditch petition for maintenance or be designated on the plans as being maintained by the HOA**



- C. Appropriate easements for access and maintenance shall be provided on the plans for all stormwater detention/retention, and collection facilities.

## **ARTICLE IX**

### **Article IX, Section 903:**

#### *Original Text*

#### **SECTION 903 REVISION OF PLAT AFTER APPROVAL**

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Commission. Minor revisions creating no increase in the number of approved lots may be administered by a representative approved by the Planning Commission.

#### *Proposed Revision(s)*

#### **SECTION 903 REVISION OF PLAT AFTER APPROVAL**

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Commission. ~~Minor revisions creating no increase in the number of approved lots may be administered by a representative approved by the Planning Commission.~~ **The following guidelines shall govern the revision of plats in recorded subdivisions (replats):**

- A. Minor Revisions resulting in the creation of no more than three (3) new “buildable” lots shall be subject to administrative approval by a designated representative of the Planning Commission, provided that no platting rules are violated and provided the proposed re-subdivision of the subject property does not violate the zoning regulations of the applicable Township enacted at the time of application.**
- B. Major revisions involving the relocation of dedicated or proposed public rights-of-way, or the addition of four (4) or more “buildable” lots to the existing plat shall be submitted to the Planning Commission for review and approval prior to allowing the submission of such a replat.**

#### **Reason for Revision:**

*The proposed revisions will grant staff additional leeway in approving minor splits of existing tracts of land, especially in older platted subdivisions where larger acreage lots may be located. Essentially, any major change will still require approval from the Commission – minor revisions can be reviewed by staff and prevent unnecessary and/or unwarranted applications to the commission that can be handled effectively on an administrative level.*